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Attorney for the Defendant,
Fausto Texeira Martins Neto

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FAUSTO TEXEIRA MARTINS NETO,

Defendant.

Case No. 2:17-cr-00001-JAD-DJA

**STIPULATION AND ORDER TO
CONTINUE SENTENCING**

[Fourth Request]

IT IS HEREBY STIPULATED AND AGREED by and between Telia Mary U. Williams, Esq., counsel for the defendant, Fausto Texeira Martins Neto, and Simon Kung, Esq., Assistant United States Attorney, counsel for the Government, that the Sentencing currently scheduled for April 26, 2021 at 11:00am, be vacated and reset to a time no sooner than forty five (45) days from April 26, 2021.

This Stipulation is entered into for the following reasons:

1. Counsel for the Defendant needs additional time to adequately prepare for sentencing, and to adequately confer with the Defendant which has been rendered

1 extremely difficult, if not impossible, due to the logistical problems that have been
2 presented with adhering to safety precautions called for by the pandemic of Covid-
3 19. That is particularly the case here, where the defendant does not speak English
4 fluently, and Counsel requires the assistance of only one of two Portuguese
5 interpreters in the jurisdiction, one of whom has been unavailable, and the other
6 who has had to take special precautions due to vulnerability to Covid-19
7 transmission.

- 8 2. The only feasible way to communicate with the Defendant, Fausto Texeira
9 Martins, is by video, which is through the Federal Public Defender's Office,
10 which, due to increased demand, and scarce resources, has requested that defense
11 counsel hold off and allow clients with emergencies and more urgent matters, such
12 as arraignments, detention hearings, and where applicable, evidentiary hearings
13 and trials, to take precedence. Thus, counsel for defendant has only had one video
14 meeting with the defendant since the start of the pandemic. This has not been
15 sufficient, in counsel's estimation, to properly prepare the defendant for his
16 sentencing.
- 17 3. Furthermore, in order to effectively communicate with Mr. Martins, a Portuguese
18 interpreter is needed, of which there are only two qualified ones in the district,
19 both of whom have been understandably limiting their service during the
20 pandemic.
- 21 4. Finally, counsel for the defendant has a trial with a firm setting going forward on
22 April 22, 2021, making preparing for sentencing for Mr. Neto and preparing for
23 that trial contemporaneously, overly burdensome, which might render counsel's
24 efforts less effective.
- 25 5. Counsel for the Government has no objection to this continuance.
- 26 6. The Defendant is in custody, but has confirmed that he does not object to a
27 continuance.
- 28 7. Denial of this request for continuance could result in a miscarriage of justice.

8. For all the above-stated reasons, the ends of justice would best be served by a continuance of the sentencing.

9. This is the fourth request for a continuance.

DATED: April 5, 2021

LAW OFFICE OF TELIA U. WILLIAMS

CHRISTOPHER CHIOU
ACTING UNITED STATES ATTORNEY

By: /s/ Telia U. Williams

By: /s/ Simon Kung

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Fausto Texeira Martins Neto*

*Attorney for Plaintiff,
United States*

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 UNITED STATES OF AMERICA,

Case No. 2:17-cr-00001-JAD-DJA

5 Plaintiff,

ORDER

6 vs.

7 FAUSTO TEXEIRA MARTINS NETO,

8 Defendant.
9

10 **FINDINGS OF FACT**

11 Based on the Stipulation of counsel, and good cause appearing therefore, the court finds
12 that the Stipulation by, between, and among the United States, and defendant Fausto Texeira
13 Martins Neto, is entered into for the following reasons:

- 14
- 15 1. Counsel for the Defendant needs additional time to adequately prepare for
16 sentencing, and to adequately confer with the Defendant which has been
17 rendered extremely difficult, if not impossible, due to the logistical problems
18 that have been presented with adhering to safety precautions called for by the
19 pandemic of Covid-19. That is particularly the case here, where the defendant
20 does not speak English fluently, and Counsel requires the assistance of only
21 one of two Portuguese interpreters in the jurisdiction, one of whom has been
22 unavailable, and the other who has had to take special precautions due to
23 vulnerability to Covid-19 transmission.
 - 24 2. The only feasible way to communicate with the Defendant, Fausto Texeira
25 Martins, is by video, which is through the Federal Public Defender's Office,
26 which, due to increased demand, and scarce resources, has requested that
27 defense counsel hold off and allow clients with emergencies and more urgent
28 matters, such as arraignments, detention hearings, and where applicable,

1 evidentiary hearings and trials, to take precedence. Thus, counsel for
2 defendant has only had one video meeting with the defendant since the start of
3 the pandemic. This has not been sufficient, in counsel's estimation, to
4 properly prepare the defendant for his sentencing.

5 3. Furthermore, in order to effectively communicate with Mr. Martins, a
6 Portuguese interpreter is needed, of which there are only two qualified ones in
7 the district, both of whom have been understandably limiting their service
8 during the pandemic.

9 4. Finally, counsel for the defendant has a trial with a firm setting going forward
10 on April 22, 2021, making preparing for sentencing for Mr. Neto and preparing
11 for that trial contemporaneously, overly burdensome, which might render
12 counsel's efforts less effective.

13 5. Counsel for the Government has no objection to this continuance.

14 6. The Defendant is in custody, but has confirmed that he does not object to a
15 continuance.

16 7. Denial of this request for continuance could result in a miscarriage of justice.

17 8. For all the above-stated reasons, the ends of justice would best be served by a
18 continuance of the sentencing.

19 9. This is the fourth request for a continuance.

20
21 **CONCLUSIONS OF LAW**

22 Denial of this request for continuance would deny counsel for the Defendant, Fausto
23 Texeira Martins Neto, sufficient opportunity to confer with Mr. Neto, and adequately to prepare
24 for his sentencing.

25 As such, denial of this request for continuance could result in a miscarriage of justice.
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ORDER

IT IS HEREBY ORDERED that the sentencing currently scheduled for April 25, 2021 at 11:00am, be continued to June 21, 2021, at 3:00 p.m.

DATED this 7th day of April, 2021.


UNITED STATES DISTRICT JUDGE